THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17526 of 2007

Dated: 20-08-2007

Between:
T. Sudershanam,

.... PETITIONER

AND
The Mandal Revenue Officer, Kondapur Mandal,
Medak District and others.

.... RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17526 of 2007

ORDER:

The petitioner herein is allegedly an Ex-serviceman. He was assigned land by proceedings dated 23.8.2002. This land admeasuring Ac.1.08 is situated at Togarpally Village of Kondapur Mandal in Medak District. In 2006, he filed O.S. No. 633 of 2006 before the Court of the Principal Junior Civil Judge, Sanga Reddy against Budda Durgaiah and others for perpetual injunction. By order dated 22nd March, 2007 in I.A. No. 1509 of 0207, the Civil Court granted ad-interim injunction in his favour. Yet again, the petitioner complained to the 1st respondent on 21.6.2007 against Durgaiah alleging that he is raising construction. The latter was directed not to proceed with the construction, in vain. Therefore, the 1st respondent issued orders in Proceedings No. B1431/07, dated 21.6.2007 directing Durgaiah not to construct and further directing the Sub-Inspector of Police, P.S. Kondapur to not to allow any person in the land. In the said order, the 1st respondent also observed that any construction by Durgaiah is likely to interfere with the law and order. Without challenging the said order, the present writ petition is filed seeking a declaration that the action of the 1st respondent restraining the petitioner from entering the land as illegal and arbitrary.

The writ petition does not specifically challenge the proceedings dated 21.6.2007 issued by the Tahsildar, Kondapur. Secondly, as rightly submitted by the learned Assistant Government Pleader for Revenue (General-T), the order passed by the 1st respondent is in favour of the petitioner. If he has any doubt regarding the purport of the order, he can always approach the Civil Court and seek clarification. The writ petition is not a proper remedy.

The writ petition is accordingly dismissed. No costs.

(V.V.S. RAO,J)

20th August, 2007

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